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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

BRANDI STELLY, ET AL

CIVIL ACTION NO. 03-1661

VERSUS

JUDGE DOHERTY

MICHAEL NEUSTROM, ET AL

MAGISTRATE JUDGE METHVIN

**RULING**

Pending is a Motion for Reconsideration of this Court's denial of the defendants' Motion to Dismiss or, Alternatively, Motion for More Definitive Statement. While oral argument has been scheduled to be heard on the defendants' motion, the Court has concluded that the briefing is sufficient to permit ruling on the motion and that oral argument would not substantially assist the Court's understanding of the issues presented thereby. Oral argument on the pending Motion for Reconsideration is hereby CANCELLED.

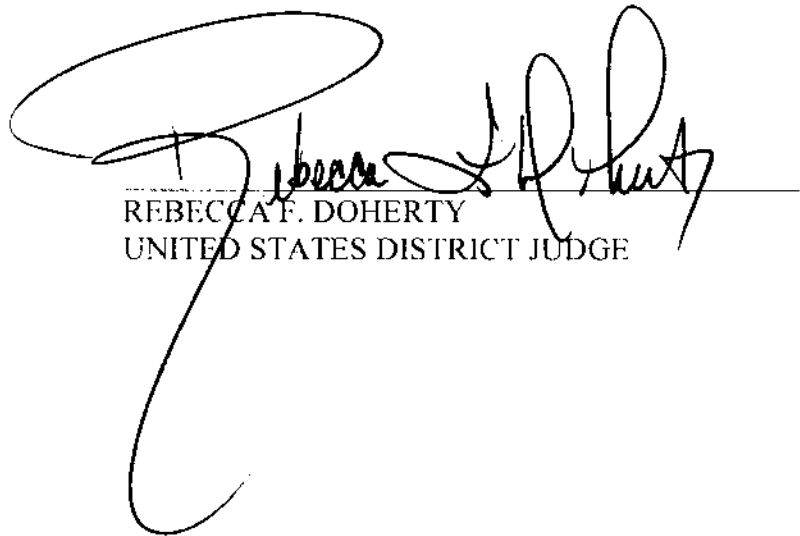
The movants argue that this Court should reconsider its denial because they have recently discovered a fact they believe relevant to the issues upon which this Court previously ruled. Specifically, the defendants now assert that the plaintiffs' application to the Medical Review Panel to empanel a group of physicians to hear the plaintiffs' medical malpractice claim did not include the movants' names, but included only the names of defendants who had been identified prior to the application. However, the basis upon which the Medical Review Panel refused the plaintiffs' application is a provision found in La. Rev. Stat. 40:1299.39(E) which specifically precludes medical review panels for medical malpractice claims by prisoners. Given the absolute language contained in the statute, as well as the language of the Panel's denial letter, the specific identity of the medical

professionals alleged to have committed malpractice clearly was irrelevant to the Medical Review Panel's denial of the plaintiffs' application for review.

For the foregoing reasons, the defendants have not identified a valid basis for reconsideration of this Court's denial of their Motion to Dismiss, and

IT IS HEREBY ORDERED that the Motion for Reconsideration [Doc. 61] shall be and is DENIED.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 8 day of August, 2005.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE